



Federal Communications Commission
Washington, D.C. 20554

August 4, 2023

Radha Sekar
Chief Executive Officer
Universal Service Administrative Company
700 12th Street, N.W., Suite 900
Washington, D.C. 20005

Re: Prohibition of TikTok in USAC Information Technology

Dear Ms. Sekar:

This letter provides instruction to the Universal Service Administrative Company (USAC) concerning the No TikTok on Government Devices Act (the 2023 Act),¹ the Office of Management and Budget (OMB) implementing memorandum, M-23-13, “*No TikTok on Government Devices Implementation Guidance*,”² and the Federal Acquisition Regulation (FAR) concerning the 2023 Act.³ These apply to “the social networking service TikTok or any successor application or service of TikTok developed or provided by ByteDance Limited or an entity owned by ByteDance Limited” (covered application).⁴ Under the 2023 Act, agencies are required to identify and remove covered applications from Federal information technology (IT).⁵

As part of our ongoing oversight of USAC,⁶ we direct USAC to take steps, consistent with the 2023 Act, OMB Memo M-23-13, and the FAR TikTok regulation, to (a) prohibit the use of covered

¹ See Pub. L. No. 117-328, div. R, §§ 101-02 (2023 Act), available at <https://www.congress.gov/bill/117th-congress/house-bill/2617>.

² See “*No TikTok on Government Devices Implementation Guidance*,” Office of Management and Budget, M-23-13 (Feb. 27, 2023) (OMB No TikTok Guidance), available at https://www.whitehouse.gov/wp-content/uploads/2023/02/M-23-13-No-TikTok-on-Government-Devices-Implementation-Guidance_final.pdf.

³ See Federal Acquisition Regulation: Prohibition on a ByteDance Covered Application 88 Fed. Reg. 36,430-36,434 (June 2, 2023) (FAR TikTok Prohibition); 48 C.F.R. 52-204-27.

⁴ 2023 Act at § 102(a).

⁵ IT is defined in OMB Memo M-23-13, at 1 (“This memorandum applies to all ‘information technology,’ as that term is defined in 40 U.S.C. § 11101(6) (herein after referred to as ‘IT’). That definition reaches not only IT owned or operated by agencies, but also IT ‘used by a contractor under a contract with the executive agency that requires the use’ of that IT, whether expressly or ‘to a significant extent in the performance of a service or the furnishing of a product.’ That definition does not, however, ‘include any equipment acquired by a federal contractor incidental to a federal contract.’”).

⁶ See Memorandum of Understanding (MOU) Between the Federal Communications Commission (FCC) and the Universal Service Administrative Company (USAC), sections III.A, B, and IV.H.1., available at <https://transition.fcc.gov/omd/usac-mou.pdf>. Sections III.A.B. and IV.H.1. are applicable to the other FCC

applications on IT that USAC or its contractors utilize in the administration of the Universal Service Fund (USF) and other FCC programs administered by USAC, and (b) remove covered applications on IT it or its contractors utilize in the administration of the USF and other FCC programs. USAC is instructed to comply with the following:

- no later than 30 days from the date of this letter, USAC shall identify the use or presence of a covered application on IT; establish an internal process to adjudicate limited exceptions subject to Office of Managing Director approval,⁷ remove and disallow installations of a covered application on IT owned or operated by USAC, and prohibit internet traffic from IT owned by USAC to a covered application;
- no later than 90 days from the date of this letter, USAC shall ensure that any new solicitations or contracts issued contain requirements that prohibit the vendor from use of a covered application in the performance of the contract, except in cases of approved exceptions; and
- as part of its annual certification process, ensure any contracts renewed or where option years are approved that the contract language will prohibit the vendor from the use of a covered application in performance of the contract except in cases of approved exceptions.

USAC shall notify the Managing Director that it has completed all actions delineated above within the time frames set forth above. These notification documents must be signed by USAC's Chief Information Officer and emailed to Mark.Stephens@fcc.gov. In addition, USAC shall certify, as part of the Annual Procurement Report, due no later than February 1st of each year, that USAC, as well as its contractors and subcontractors, have certified that they complied with the terms of this letter.⁸

Thank you for your commitment to the safety of the USAC IT infrastructure. Please let me know if you have any questions.

Sincerely,

Mark Stephens
Managing Director

programs administered by USAC. See Affordable Connectivity Program MOU between the FCC and USAC (*revised*) (6/6/2023); Emergency Connectivity Fund Program MOU between the FCC and USAC (3/18/2021); COVID-19 Telehealth Program MOU between the FCC and USAC (2/4/2021), collectively available at, <https://www.fcc.gov/coronavirus-response-and-relief>.

⁷ See OMB No Tik Tok Guidance at 2-4 (providing standards for exceptions). Any USAC requests for exceptions shall be subject to approval by the FCC Managing Director.

⁸ See FCC-USAC MOU at IV.B.5.